



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278

MAY 15 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chrysler Motors Corporation
Chrysler Center
12000 Chrysler Drive
Highland Park, Michigan 48288-1919

Attention: Mr. Michael W. Grice

Re: York Oil Site, Moira, New York
Request for Information Under
42 U.S.C. §9604(e)

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9601, et seq.

In order to determine the need for a response to a release or threatened release of a hazardous substance, pollutant or contaminant, choose or take a response action, or otherwise enforce the provisions of CERCLA, EPA may, pursuant to Sections 104(e)(1) and 104(e)(2) of CERCLA, require parties to provide certain information. Specifically, EPA may require parties to provide information relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature and extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup. Pursuant to these statutory provisions, we hereby require that you answer the questions posed in the attached Request for Information.

This Request for Information is specifically concerned with the York Oil Site ("York Oil Site" or "Site") located approximately one mile northwest of the Hamlet of Moira in Franklin County, New York.

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Your response to this Request for Information should be post-marked or received at EPA within twenty-one (21) calendar days of your receipt of this letter, and should be mailed to Mr. Arnold Bernas, Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, Room 2930, 26 Federal Plaza, New York, New York 10278, with a copy to Michael A. Mintzer, Assistant Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency, Room 437, Region II, 26 Federal Plaza, New York, New York 10278.

Your failure to respond to this Request for Information within the time specified above may subject you to an enforcement action under Section 104(e)(5) of CERCLA. Such enforcement action may include the assessment of substantial penalties of up to \$25,000.00 per day for each day of continued noncompliance.

Your notarized signature must appear on the enclosed Certification of Answers to Request for Information, which must be attached to the response to this information request.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available to you. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is incorrect, you are under an obligation to notify EPA thereof as soon as possible. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

EPA acknowledges receipt of information from Chrysler Corporation contained in the letter dated April 5, 1988 from Michael W. Grice, Chrysler Motors Corporation, which was addressed to EPA in response to EPA March 18, 1988 letter requesting information pursuant to CERCLA § 104(e). The Request for Information included herewith requests information not previously provided. Accordingly, please provide complete answers to the questions contained in the Request for Information.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C., Section 3501 et seq. You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary," or "company confidential". Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in Section 104(e)(7) of CERCLA and 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be

made available to the public by EPA without further notice to you. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

If you have any questions concerning this matter, please contact Mr. Mintzer at (212) 264-3348 or Mr. Bernas at (212) 264-7612. Thank you for your attention to this matter.

Sincerely yours,

Kathleen Callahan, Director
Emergency and Remedial Response Division

Attachment

cc: Donald Frankel, Esq.
Environmental Enforcement Section
US Dept of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Doreen Simmons, Esq.
Hancock & Estabrook
One Mony Tower
P.O. Box 4976
Syracuse, NY 13221-4976

Lynn Y. Buhl
Staff Counsel
General Counsel's Office
Chrysler Corporation
CIMS 416-19-02
12000 Chrysler Drive
Highland Park, Michigan 48288-1919

New Venture Gear Joint Venture
6600 Chrysler Drive
E. Syracuse, NY 13057
Attention: General Manager

bcc: Arnold Bernas
Michael A. Mintzer
Suzanne Becker

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed.
2. In preparing your response to each question, consult with all present and former employees and agents of your company who you have reason to believe may be familiar with the matter to which the questions pertains.
3. In answering a question, identify all contributing sources of information.
4. If you are unable to answer a question in a detailed or complete manner or if you are unable to provide any of the information or documents requested, state the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reasons for your belief.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it applies.
6. If there is anything deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion.
7. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
8. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be more specific.
9. Whenever in this Request for Information there is a request to identify a natural person or an entity other than a natural person, state, inter alia, the person or entity's full name and present or last known address.
10. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions any information which might otherwise be construed to be outside of their scope.

11. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302.

12. As used herein the terms "hazardous waste", "disposal" and "storage" shall have the meanings set forth in Sections 1004(5), (3) and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6903(5), (3) and (33), respectively.

13. As used herein, the term "oil" refers to any substance, whether previously used or not, primarily derived from petroleum, including, but without limitation, fuel oils, motor oils, gear oils, cutting oils, machine oils, transformer oils, transmission fluids, hydraulic fluids, dielectric fluids, tars, lubricants or grease.

14. As used herein, the terms the "company" or "your company" refer not only to your company as it is currently named and constituted, but also to all predecessors in interest of your company and subsidiaries, divisions and branches of your company.

15. As used herein, the "applicable period" shall refer to the period from January 1, 1955 to December 31, 1979.

16. As used herein, the term "York Oil Site" or "the Site" shall refer to a parcel or parcels of property located approximately one mile northwest of the Hamlet of Moira, Franklin County, New York.

17. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

18. FOR EACH OF THE FOLLOWING QUESTIONS (WHETHER OR NOT SPECIFICALLY REQUESTED IN SUCH QUESTION), FURNISH COPIES OF ALL DOCUMENTS OR RECORDS THAT PROVIDE, IN WHOLE OR IN PART, ANY INFORMATION THAT IS RESPONSIVE TO THE QUESTION.

REQUEST FOR INFORMATION
to
CHRYSLER MOTORS CORPORATION

1. In the company's letter dated April 5, 1988 from Michael W. Grice, in response to EPA's March 18, 1988 letter requesting information pursuant to CERCLA § 104(e), Mr. Grice stated that the company's only manufacturing facility in New York State is the New Process Gear Plant, which is a part of the company's Acustar subsidiary. The following questions should be answered for the Acustar subsidiary of New Process Gear facility.

a. State the correct legal name of the company's Acustar subsidiary;

b. State the name and address of the chief executive officer of the Acustar subsidiary;

c. Identify the state of incorporation of the Acustar subsidiary and its agent for service of process in its state of incorporation and in New York State;

d. State the correct legal name of the parent corporation of the Acustar subsidiary and of the parent or parents, if any of such corporations;

e. Identify the organizational status (subsidiary, unincorporated division, etc.) of the New Process Gear facility during the applicable period (see definition of "applicable period" in Instructions).

2. Identify each owner and operator of the New Process Gear facility in between January 1, 1950 and the present date. If any such owner or operator included any person other than the company, describe the terms and conditions by which the company succeeded to or preceded such other owner or operator, and identify by current name and address each other owner or operator.

3. In the company's letter dated April 5, 1988 from Michael W. Grice, in response to EPA's March 18, 1988 letter requesting information pursuant to CERCLA § 104(e), Mr. Grice stated that the company would conduct a review of relevant records and provide a supplemental response. The questions in EPA's March 18, 1988 request for information were not answered by the company's April 5, 1988 response and we are not aware of having received a supplemental response. Accordingly, furnish a copy of the company's supplemental response or provide responses to EPA's March 18, 1988 request for information.

4. Describe in detail the business conducted at the New Process Gear facility during the applicable period, including:

a. the process involved in the production and/or manufacture of any items produced or manufactured at the facility that generated waste of any kind (please include schematic drawings of these processes);

b. all oil (see definition of "oil" in Instructions) used in or in connection with this process including, without limitation, a type of oil known as "red engine oil";

c. all oil generated as waste in connection with this process, including a description of all materials that the oil may have contacted from the time of arrival of such oil at the facility until the time of its disposal and specifically identify whether these oils come into contact with any parts or components consisting of stainless steel, cadmium, chromium, nickel or lead;

d. the characteristics of the waste oil generated from each of the processes, including all contaminants;

e. any use or re-use of this oil prior to its application in the described processes;

f. the purpose served by oil in the process;

g. whether waste oil was reused and identify the standards for reuse or disposal;

h. each of the suppliers of oil used during the applicable period, separately identifying each different type of oil (cutting, lubricating, fuel, gear, etc.);

i. whether any waste oil from motor vehicles was disposed of from the facility and, if the answer is yes, describe how such waste oil was disposed of;

j. whether any waste oil disposed of from the facility contacted grease prior to disposal and, if the answer is yes, provide specific details including the nature, composition and use of such grease;

k. any analysis performed at any time during the applicable period or thereafter to and including the present date of the chemical content of this type of waste oil and provide copies of test results and any other documents relating or referring to such analysis;

l. Identify the volume per annum of waste oils disposed of during the applicable period.

5. For the applicable period, describe how waste oil generated at the New Process Gear facility was disposed of.

6. Identify each and every entity that the company transacted business with during the applicable period for the transport, storage, treatment, or disposal of waste oil.

7. Produce all documents (see definition of "document" in Instructions) relating to the disposal of waste oil and identify all persons with knowledge of the waste disposal practices of the facility.

8. Describe the financial arrangements for disposal of waste oil at the New Process Gear facility [i.e., did the facility receive payment for waste oil, did the facility pay to have waste oil removed, what was the applicable payment, was the payment based on gallons delivered, constituents of the material, etc.]. In answering this question, consult the facility's accounts payable and accounts receivable records and provide copies of applicable documentation.

9. Identify each person consulted in responding to these questions and correlate each person to the question on which he or she was consulted.

10. Identify any other person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the generation, handling, transportation, storage or disposal of waste oil by the New Process Gear facility. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

11. Provide a list of the sources, volume and composition of any materials at the New Process Gear facility during the applicable period that contained polychlorinated biphenyls ("PCBs"). Also, include a list of all electrical equipment such as transformers, capacitors or circuit breakers which contained PCBs.

12. Provide a list of the sources, volume and composition of any materials or equipment removed from the New Process Gear facility during the applicable period which may have contained PCBs. Also, include a list of all electrical equipment such as transformers, capacitors or circuit breakers removed off-site which contained PCBs.

a. Provide a list identifying all records and documents pertaining to the off-site shipment of these materials and equipment (i.e., manifests, invoices, etc.). If no such documentation exists, please explain why.

b. Indicate the final destination of these materials and equipment and the dates of removal.

c. Provide the names and addresses of any transporters who may have been used to remove these materials and equipment off-site. Also provide the respective source, volume and composition of the materials that were removed.